THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 13959 OF 2002

Dated 18th July, 2007

Between:

Potluri Saida Rao

…Petitioner

And

The Government of A.P.,
represented by its Principal Secretary,
Revenue Department,
(Reg. & M), Secretariat, Hyderabad and another.

…Respondents.

ORAL ORDER:

The petitioner, a practising advocate at Vinukonda in Guntur District, has filed this writ petition questioning the orders issued in letter No.NR/6704/2002, dated: Nil rejecting the request of the petitioner for issuance of licence under the Notaries Act on the ground that the quota fixed for the State of Andhra Pradesh has already been exhausted.

In the affidavit filed in support of the writ petition, it is stated that the petitioner was enrolled as an Advocate on 22.4.1988 and has been practising as such since then at Vinukonda Bar. It is stated that the population of Vinukonda is about 60,000 and is surrounded by five more Mandals having close access to the town. It is further stated that there are several Colleges, Banks, Insurance Companies etc., but, however, there was only one Notary, by name, A.Sivaramaiah and he too died on 23.6.2002, and, after his demise, there is no Notary in the town of Vinukonda where the population is about 60,000.

It is the case of the petitioner that though the existing licence holder died and there is no Notary in Vinukonda Town, the application of the petitioner was rejected merely stating that the quota fixed is exhausted.

In the counter-affidavit filed on behalf of the respondents, it is stated that there were about 1256 notaries as against the quota fixed at 575 in the State of Andhra Pradesh. It is stated that if there is any deficiency in any particular area, it has to be cured by adjusting notaries from other areas.

It is submitted by the learned counsel for the petitioner that

though the earlier licence holder died on 23.6.2002, no steps have been taken for adjusting the existing licensees for the benefit of the people of Vinukonda town.

The impugned order passed served on the petitioner on 23.7.2002 and even as per the counter affidavit though the quota was fixed at 575, it is stated that there are about 1256 notaries, which includes the notary at Vinukonda, namely, A.Sivaramaiah who died on 23.6.2002. As much as no adjustment is made so far by shifting any other licence holder to the place of Vinukonda, I deem it appropriate to set aside the impugned letter and direct the respondents to consider the matter afresh for grant of licence keeping in mind the death of the earlier licence holder and also verifying the requirement having regard to the importance of the town and existing institutions and the provisions of the Notaries Act and the rules made thereunder.

Subject to above direction, the writ petition is disposed of. No costs.

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18-7-2007

R.SUBHASH REDDY, J.

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